



JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

May 4, 2007

The Honorable Donetta Davidson
Chairman
United States Election Assistance Commission
1225 New York Avenue N.W.
Washington, DC 20005

Dear Chairman Davidson,

On April 20, 2007, the Ninth Circuit Court of Appeals in *Gonzalez v. State of Arizona*, No. 06-16521, refused to issue an order enjoining the State of Arizona from enforcing its law that requires individuals registering to vote provide evidence of U.S. citizenship. The court held that the challengers were not likely to succeed on the merits of their claim that the National Voter Registration Act (NVRA) preempts Arizona's proof of citizenship requirement.

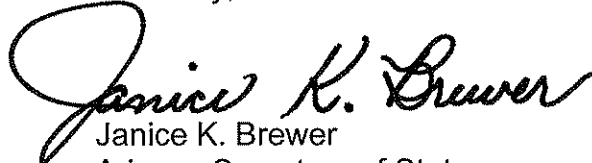
You may recall, I received a letter on March 6, 2006, from the Election Assistance Commission's (EAC) executive director, Thomas Wilkey, that precipitated this lawsuit and was used as an exhibit by the plaintiffs. In that letter Mr. Wilkey asserted that Arizona's proof of citizenship requirement when registering to vote conflicted with the NVRA.

To date, the federal district court, and now the Ninth Circuit Court of Appeals, have both expressly disagreed with the Commission's position.

It has been over a year since the Commission first refused to include Arizona's proof of citizenship instructions to voters wishing to use the Federal Form. Since that time, many potential voters submitted incomplete information utilizing your form.

Given the court's order and its sound rejection of the EAC's analysis, I once again implore you to properly instruct Arizona voters about our proof of citizenship requirement. To do otherwise will only serve to further disenfranchise voters using the federal form.

Sincerely,


Janice K. Brewer
Arizona Secretary of State

cc: The Honorable John McCain
The Honorable John Kyl
The Honorable Rick Renzi
The Honorable Trent Franks
The Honorable John Shadegg
The Honorable Ed Pastor
The Honorable Harry Mitchell
The Honorable Jeff Flake
The Honorable Raul Grijalva
The Honorable Gabrielle Giffords